



Everything

you

need to know

about

UAE

law



We lay out the UAE's legal rules in one clear article so you need never feel uninformed. Words *Shane McGinley, Chief Reporter, Arabian Business*



Alcohol

Alcohol consumption in the UAE is only permitted in certain designated areas, such as licensed restaurants and bars attached to hotels. Tourists and residents can drink in these locations without holding a licence to buy alcohol. However, it is highly recommended that you own an alcohol licence if you wish to drink in the UAE.

Someone who has consumed alcohol in a permitted area can be arrested outside of that area if for whatever reason this fact is brought to the attention of the police, or they are found to be **drunk and disorderly in a public area**. This usually occurs when bar-goers are involved in a car accident – irrespective of whether they were driving or not – or even when they seek the help of the authorities after having consumed alcohol. The law still applies even if the person arrested holds a valid ‘purchasing’ alcohol licence: it is best to remember that while an alcohol licence enables you to purchase alcohol, it does not allow you to drink it in public places or to be drunk in public areas.

The UAE Penal Code establishes the punishments for those who are found to be drunk

in public, and **the rule is zero tolerance**. Alcohol drinkers can be sentenced to between one month and six months in jail and may face a fine ranging from Dhs1,000 to Dhs2,000.

When it comes to drink driving, **even a sip of alcohol is not allowed**. Anyone caught driving under the influence can face a lengthy spell in jail, a fine, deportation and confiscation of their car.

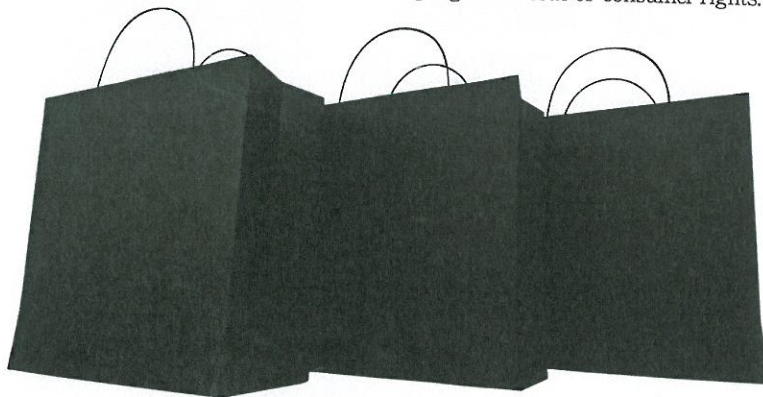
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Consumer rights

Unless otherwise agreed by the specific retailer and the consumer, the consumer will not be entitled to a refund or exchange of an item just because he/she changed his/her mind about the product or because the product is available elsewhere at a lower price. **Consumers are only entitled to a repair or refund if the product has a defect** and this was noticed during the warranty period. In this situation, consumers are entitled to a cash refund.

However, some well-known retailers have recently stopped giving cash refunds and are only giving store credit, which is against the regulations. Consumers can report them for such violations.

If you need up-to-date consumer advice, call 600 54 5555 or visit the website at www.consumerrights.ae. The government is also running a series of roadshows in malls across Dubai in the coming weeks to highlight the issue of consumer rights.



Two years ago the UK Foreign Office released figures showing that the UAE was the country where British visitors were most likely to get arrested while travelling abroad. The annual British Behaviour Abroad report found that issues such as alcohol, drugs and public decency were the main reasons holidaymakers and expatriates got into trouble overseas. However, the latest report published this summer showed that the total number of arrests has declined by nearly a fifth, mainly due to the number of drug-related arrests slumping dramatically from 24 last year to four this year. While the arrest statistics show visitors are becoming more vigilant of local customs and laws, the UAE still rose up the rankings from 16th in the world to 11th this year for the number of British people needing some sort of assistance while abroad, with 382 Brits getting into difficulties with the law in the UAE in the past year.

In a bid to make life easier for visitors and expats of all nationalities living in Dubai, *Time Out* contacted a host of well-informed contacts at local malls, the Road and Transport Authority and Dubai Police as well as asking legal experts, including the UAE-based team at firm Cramer-Salamian, to give us the most up-to-date advice.

When it comes to the law in Dubai, knowing what is legal and what is illegal is actually quite straightforward. Despite numerous urban legends regarding topics such as alcohol consumption, public decency, traffic and cohabitation rules in Dubai, few visitors or expats actually know of the existence of the Dubai Code of Ethics, commonly referred to as ‘The Code’. Published by the Government of Dubai in March 2009, its full text can be found online at www.dubai.ae and the tips mentioned here are based on the advice outlined in the UAE Penal Code of 1987. Knowledge of these rules and what they entail should be essential for every Dubai resident, as ignorance is often not accepted as an excuse for breaking the rules. With this in mind, you really should read on...

Tenancy and cohabitation

Subletting is not allowed in Dubai without the approval of the landlord. If a residence is sublet illegally, a tenant may be evicted before the end of the lease period and could lose the remainder of the rent they have paid. It's advisable to inform your landlord in writing if you intend to sublet.

'It is illegal to rent an apartment or villa in your name and then subsequently rent the rooms out to other tenants,' explains Priyesh Patel from Aston Pearl Real Estate. The owner must be informed of those staying in the property and their names should appear in the tenancy agreement, although if the property is large and has a high turnover of tenants then this can be problematic. However, Patel adds that if you knowingly sublet from someone, you too could be held liable, so always ask before you take the keys to a new property.

In short, before you move into an apartment or villa, it's important to find out whether the person you're renting from is the landlord or, if not, is authorised to sublet. If there is any doubt, it's worth asking them to sign a form confirming they have permission from the landlord for you to be there – this will ensure your back is covered.

When renting a property in Dubai, Patel says prospective tenants should ask to see proof of ownership and **only deal with registered agents**. If agents ask for payment in cash, he advises approaching with caution – they may be unlawful. Cheques are the best form of payment and should

always be payable to the owners. 'There are many rogue agents in the market and it's better to do all the necessary checks on owners, companies or agents first,' he says.

The question of men and women living together who are not members of the same family is a grey area that leads to much confusion. It is known that such living arrangements often take place in Dubai among expat couples and roommates. In practice, couples and roommates come and go without major complications. However, **such living arrangements are technically illegal**.

Usually problems only arise when such living arrangements come to the attention of neighbours and a complaint is lodged with the police. In such an instance, the police are required to investigate the living conditions. **Problems can also occur when a non-married female falls pregnant** and her condition requires assistance at UAE

hospitals, where staff are obliged to report the pregnancy to the police as soon as it is discovered.

The police's ultimate reaction depends on various factors. 'There's very little light as to what to do to avoid jail and/or deportation in these cases if they are reported to authorities,' our legal experts say. 'It is up to the police officer in charge to make a final decision – whether to refer the case to the court or let the couple go based on their reason for being in the UAE.'



Public decency

The Code is crystal clear on the dos and don'ts with regard to public displays of affection and what you can and can't wear in public.

Holding hands in public is allowed only for married couples; however, even they are **not allowed to kiss or cuddle in public**. Such displays

of affection are liable to leave you in trouble with the police, particularly during Ramadan, and could see you facing conviction or deportation.

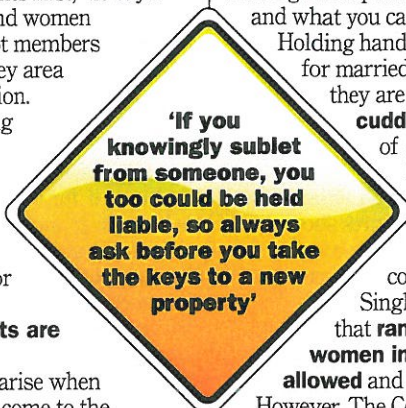
Single men should also be aware that **randomly approaching women in public is also not allowed** and can land you in hot water.

However, The Code does not address what happens if women approach men.

With regards to 'nudity', one must refrain from wearing Brazilian-style or skimpy thong bikinis to the beach, and **it is best to wear conservative swimwear** while in public.

You must don more substantial clothes over your bikini or swimsuit before stepping off the beach. For example, it is not advisable to go directly from the beach to the mall without covering up. The Code also points out that these rules apply to both men and women.

If you are still in any doubt, The Code states that 'business-casual dress code shall be adopted by all visitors of Dubai's official government buildings'. When in all other public places such as streets, shopping malls and restaurants, shorts and skirts must be of appropriate length (ie avoid mini skirts or hot pants), and The Code further states clearly that **'clothing shall not indecently expose parts of the body**, be transparent, or display obscene or offensive pictures and slogans.' Equally, any potentially insensitive tattoos should be left covered up as the law is also quite grey when it comes to body art.



Cheque fraud

Writing a cheque in the UAE that subsequently bounces is known as cheque fraud and is a criminal offence – in many cases it has resulted in arrest and jail for those named on the cheque. During the economic downturn, it was reported that as many as one in four cheques ended up bouncing; it soon became one of the most common reasons for people to find themselves in jail in Dubai. It is still a major issue: account holders in the UAE bounced Dhs35.2 billion worth of cheques in the first eight months of 2011, reflecting only a four per cent drop since last year. In total, nearly one million cheques were declined.

To make the system easier, police have set up computer software linking banks and police stations so bounced cheques can be highlighted earlier. However, police now give people a month grace period to clear the cheque and, as a result, the number of cases that come to court has dropped by nearly a third. Despite this, the law is clear: it is illegal to write a cheque if you do not have the cash to back it up when it becomes due.



Traffic and transport

Other important rules you should know

There are a few traffic laws that are commonly broken in Dubai. **All passengers are required to wear seatbelts at all times;** children must sit in

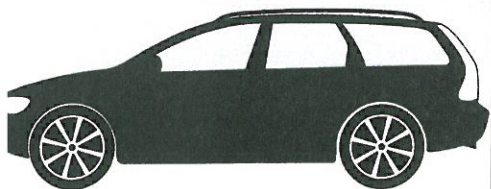
the back seat; and talking on the phone while driving is forbidden. Driving fast and close behind other cars and flashing headlights at them, as well as jumping from lane to lane while overtaking, are dangerous practices that can lead to fines.

Using a mobile phone while driving is illegal. Phones must be turned off before starting the car, unless a hands-free kit or headset is available. Police are also cracking down on women applying make-up while driving. These violations are subject to fines, although the enforcement is far from systematic.



Many drivers wonder why speeding fines are only imposed when driving above 140kph, rather than the speed limit: 120kph. The same is actually applied by many countries abroad, as authorities understand that you may sometimes be required to pass another driver who is already going at the maximum speed. **Passing the 120kph limit is therefore conceived as a punctual increase** and must be confined to the fast lane (in theory), according to experts.

When travelling on public transport, remember that a whole series of fines exist. These include Dhs100 for putting your feet on the seats, Dhs200 for spitting or littering, Dhs300 for sleeping in the station after hours and **Dhs2,000 for needlessly pulling an emergency cord.** A list of fines is available on the Road and Transport Authority website at www.rta.ae.



Residents must show respect for the symbols of the UAE's rulers, flag and national emblem. The abuse of any of those symbols is a crime punishable by law.

Smoking is forbidden in government facilities, offices, malls and shops. Smoking outside designated areas is punishable with a fine.

It is illegal to work in Dubai without the correct working visa. 'Visa runs' are technically illegal. See www.dubai.ae for more information.

Swearing, profanities, and vulgar language are forbidden and legally reprehensible in case of complaint. Rude gestures are considered a serious public offence and are subjected to fines, imprisonment or deportation.

You cannot take photos of people – especially women and families – in public places without their permission. Ask people before you decide to photograph them.

Loud music and dancing are forbidden in public parks, beaches or residential areas and must be restricted to licensed venues only. If a bar does not have a dancing licence, you may be told to stop dancing – such as at Mai Tai in JBR.

Some medicines containing psychotropic substances are forbidden. Their holders must carry a prescription from a UAE-licensed doctor. Visitors should verify that their medicines are allowed in the UAE before entering the country. To check, call the Ministry of Health Drug Control Department on 02 611 7342, email essaj@moh.gov.ae or see www.moh.gov.ae.

Spreading false news or rumours and malicious propaganda that disturb public security and harm public interest are crimes punishable by law.

If you employ a maid, they must have the correct working visa. If they do not, both of you could be liable for penalty.

Access to official and business buildings may be denied if your dress code is considered inappropriate.

Cyclists must stay on dedicated cycling paths. Deviating from the paths is subject to a fine.

Drivers must not rubberneck (stop or reduce their speed to look at a traffic accident out of curiosity) – this can lead to traffic obstruction. In case of involvement in a light accident, drivers should clear the way to avoid danger and traffic obstruction.

Drivers must stop for pedestrians and respect their rights at pedestrian crossings. On the other hand, pedestrians must use designated zebra crossings when crossing the road.

Carrying, consuming, buying or selling any kind of non-prescription drug in any quantity, as well as testing positive for any drug, is considered a crime.

How to avoid becoming a 'Brit banged up abroad'

As mentioned earlier, the British Foreign and Commonwealth Office found that Britons abroad were previously more likely to get arrested in the UAE than in other countries. To reduce this statistic, the UAE's British Embassy has a team that, in conjunction with local police, visits British schools in the UAE to communicate the laws of the emirates, offering info about drug and alcohol laws, dress code, sexual behaviour and marriage.

A booklet entitled *UAE Advice for British Nationals* was also released earlier this year to clarify information about the traditions, social ethics and laws of the UAE, as well as dress code, respect for religion and what the British Embassies can and can't do for Britons. The information is useful for any resident, whether British or not. www.ukinuae.fco.gov.uk/en/help-for-british-nationals/living-in-uae

Crime and punishment

We round up the punishments that could be implemented for various offences, as laid out by The Code (note that it depends on the judge or law enforcement officer in each case)

Offence	Penalty
Public display of affection	Warning or fine (a severe breach can lead to jail and/or deportation)
Alcohol consumption outside designated areas	Fine or jail
Buying alcohol without an alcohol licence	Fine or jail
Driving under the effect of alcohol/drugs	Fine, jail and/or deportation and car confiscation
Drug consumption or possession	Fine, jail and deportation
Lack of respect for Islam's customs/symbols	Fine, jail and deportation
Lack of respect for other religions' customs/symbols	Fine or jail
Vulgar language	Fine or jail
Littering or spitting	Warning or fine
A pet fouling public areas	Warning or fine
Damaging public facilities	Fine

For more information, see www.dubaifaqs.com

Reporting a crime: BBM Dubai Police!

Reporting local crime just got easier: Dubai Police launched a revamped version of Al Ameen, its crime reporting website, at technology trade show Gitex 2011. Available in both Arabic and English, the site offers information on local police services, as well as the chance to report a crime, with all information, including the person's identity, kept completely confidential. A new BlackBerry pin number for Al Ameen (21DDDBB0) has also been launched to make crime reporting even easier. Contact Al Ameen via toll-free number 800 4888, send an SMS to 4444, email alameen@eim.ae or see www.alameen.ae

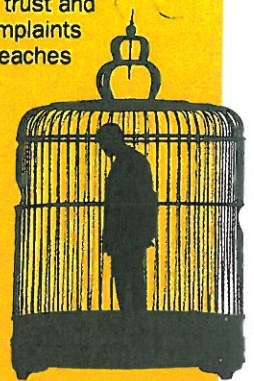


What should I do if I'm arrested?

Criminal and civil justice specialist Radha Stirling founded not-for-profit organisation Detained In Dubai to help those who run into legal difficulties while in the emirate. Seven out of 10 cases she handles are related to bounced cheques and business crimes.

What kind of problems do people approach you with when they get into trouble in Dubai?

'The main reasons are: assistance and advice on negotiating with banks in debt-related issues in order to prevent imprisonment; assistance and advice relating to arranging legal representation after an arrest; police complaints related to civil offences such as employment disputes, debt and police complaints respecting contracts, breach of trust and so on; arrests or complaints related to alcohol breaches or minor criminal matters such as swearing; and finally, major convictions including fraud and embezzlement complaints where the accused feels they are innocent, but the court will not accept their evidence.'



If someone is arrested in Dubai, what tips do you have for them?

'Contact us immediately to arrange trusted representation. Do not admit a crime or provide a statement that incriminates. Contact family and friends to assist from the outside – there is little that the arrested person can do to help themselves.'

If you're arrested in Dubai, will you automatically get a lawyer?

'No. Most people cannot afford the very high costs of legal representation, and it's not provided free of charge.'

What mistakes have other people made that you would highlight?

'Signing a confession or document in Arabic is a mistake, as it can be used in court as evidence. Also, self-representing in court is not a good idea, particularly if legal representation can be afforded.'

For more information from Radha, visit www.detainedindubai.org